UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,623	12/30/2003	Ingo Zenz	6570P019	8235

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EXAMINER
MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/749,623	ZENZ ET AL.
	Examiner	Art Unit	
	Glenford Madamba	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *30 December 2003*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-21* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *30 December 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All b) ☐ Some * c) ☐ None of:

  1. ☐ Certified copies of the priority documents have been received.

  2. ☐ Certified copies of the priority documents have been received in Application No. _____.

  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date *8/1/06*.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7, 8, 14, 15 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Berg et al, U.S. Patent US 7,185,071.

As per Claims 1, 8, and 15, Berg discloses a method for starting a group of enterprise servers [Figure 6] comprising:

comparing binaries and/or configuration settings (e.g., "deployment descriptor / configuration file) [col 1, L40-45] (application configuration version / snapshot) [Abstract] stored within a local file system of each enterprise server with binaries and/or configuration settings stored within the central database (e.g., database) to identify any binaries and/or configuration settings stored within the local file system which are out-of-date (e.g., updating current configuration or reverting to previous configuration) [Abstract] [col 2, L1-42] ;

if the binaries and/or configuration settings stored within the local file system are
out-of-date, then updating the binaries and/or configuration settings from the central
database to the local file system prior to starting each enterprise server (e.g., updating
current configuration or reverting to previous configuration) [Abstract] [col 2, L1-42] [col
3, L1-6] [col 4, L64 – col 5, L7]; and

starting each enterprise server using the updated binaries and/or configuration
settings (start_218 / restart_216) [col 5, L8-18] [Fig. 2] [col 3, L1-6].

Claims 8 and 15 recite the same features as claim 1, are distinguished only by
their statutory category, and thus rejected on the same basis.

As per Claims 7, 14 and 21, Berg discloses the method as in claim 1 wherein the
servers within the group comprise Java 2 Enterprise Edition ("J2EE") servers [col 1,
L24].

Claims 14 and 21 recite the same features as claim 7, are distinguished only by
their statutory category, and thus rejected on the same basis.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2, 3, 4, 6, 9, 10, 11, 13, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al, U.S. Patent US 7,185,071in view of Pace et al (hereinafter Pace), U.S. Patent 7,181,731

As per Claims 2 and 9, Berg in view of Pace discloses the method as in claim 1 further comprising:

generating a list of servers within the group to be started based on server layout information retrieved from the central database, the server layout information uniquely identifying each server in the group and/or parameters associated with each server in the group.

While Berg discloses substantial features of the invention, including the server layout information uniquely identifying each server in the group and/or parameters associated with each server in the group ("loose configuration" / Enterprise Archive {EAR} file) [col 1, L35] [Figure 6], he does not explicitly disclose the additional feature of generating a list of servers within the group to be started based on server layout information retrieved from the central database. The feature is disclosed by Pace in a related endeavor.

Pace discloses as his invention an exemplary embodiment of a component distribution server (CDS) system according to the present invention, connected to at

least one network through at least one respective network interface, includes: a

package specification process that receives at least one package, the packages being

subparts of at least one application program from at least one enterprise information

system (EIS), the packages having at least one asset, each asset having an asset type

and at least two asset layers, a first asset layer being a logic/data layer and

a second asset layer being an extended environment layer, the logic/data layer

having information that includes a function of the asset and the extended environment

layer being a subset of the EIS and having portions of the EIS necessary to support the

respective logic/data layer; a process adapter process that translates at least one of

the asset layers so that the asset performs the asset function on at least one target

base environment of at least one target computer; and a target process that changes

the at least one of the layers of the asset in order to provide specific information for at

least one of the specific target computers, whereby a transformed asset is an asset

that is translated by the process adapter process and changed by the target process

[col 9, L18-40].

In particular, Pace discloses the additional feature of generating a list of servers

within the group to be started based on server layout information retrieved from the

central database [Figures 7 & 8] [col 32, L4-9].

It would thus be obvious to one of ordinary skill in the art at the time of the

invention to combine and/or modify Berg's invention with the additional feature of

generating a list of servers within the group to be started based on server layout

information retrieved from the central database, as disclosed by Pace, for the

motivation of maintaining integrity of the source environment (e.g, EIS) at one or more

of the targets (e.g., target nodes and/or clients) while the original packet remains on

the source (EIS), as well as reducing the infrastructure to maintain packages by

locating distributed packages at one or more of the clients [col 34, L47-57].

Claim 9 recites the same features as claim 2, is distinguished only by their

statutory category, and thus rejected on the same basis.

As per Claims 3, 10 and 17, Berg in view of Pace discloses the method as in claim 2

wherein said layout information is defined by a configuration hierarchy (configuration

network "tiers" / layers) stored within a hierarchical data object in the central database

[pace: Fig. 9].

While Berg discloses substantial features of the invention, including the server

layout information uniquely identifying each server in the group and/or parameters

associated with each server in the group ("loose configuration" / Enterprise Archive

{EAR} file) [col 1, L35] [Figure 6], he does not explicitly disclose the additional feature of

the method wherein said layout information is defined by a configuration hierarchy

(configuration network "tiers" / layers) stored within a hierarchical data object in the

central database [pace: Fig. 9]. The feature is disclosed by Pace in a related endeavor.

Pace discloses as his invention an exemplary embodiment of a component

distribution server (CDS) system according to the present invention, connected to at

least one network through at least one respective network interface, includes: a

package specification process that receives at least one package, the packages being

subparts of at least one application program from at least one enterprise information

system (EIS), the packages having at least one asset, each asset having an asset type

and at least two asset layers, a first asset layer being a logic/data layer and

a second asset layer being an extended environment layer, the logic/data layer

having information that includes a function of the asset and the extended environment

layer being a subset of the EIS and having portions of the EIS necessary to support the

respective logic/data layer; a process adapter process that translates at least one of

the asset layers so that the asset performs the asset function on at least one target

base environment of at least one target computer; and a target process that changes

the at least one of the layers of the asset in order to provide specific information for at

least one of the specific target computers, whereby a transformed asset is an asset

that is translated by the process adapter process and changed by the target process

[col 9, L18-40].

In particular, Pace discloses the additional feature of the method wherein said

layout information is defined by a configuration hierarchy (configuration network "tiers" /

layers) stored within a hierarchical data object in the central database [pace: Fig. 9]

[Figures 7 & 8] [col 32, L4-9].

It would thus be obvious to one of ordinary skill in the art at the time of the

invention to combine and/or modify Berg's invention with the additional feature of the

method wherein said layout information is defined by a configuration hierarchy stored

within a hierarchical data object in the central database [Fig. 9], as disclosed by Pace,

for the motivation of maintaining integrity of the source environment (e.g, EIS) at one or more of the targets (e.g., target nodes and/or clients) while the original packet remains on the source (EIS), as well as reducing the infrastructure to maintain packages by locating distributed packages at one or more of the clients [col 34, L47-57].

Claims 10 and 17 recite the same features as claim 3, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 4, 11 and 18, Berg in view of Pace discloses the method as in claim 3 wherein the hierarchical data object comprises a global sub-hierarchy and a non-global sub-hierarchy, the global sub-hierarchy containing configuration data and binaries associated with all of the sever nodes, and the non-global sub-hierarchy containing the layout information, configuration data and binaries associated with particular server nodes [col 6, L50-62].

While Berg discloses substantial features of the invention, including the server layout information uniquely identifying each server in the group and/or parameters associated with each server in the group ("loose configuration" / Enterprise Archive {EAR} file) [col 1, L35] [Figure 6], he does not explicitly disclose the additional feature of the method wherein the hierarchical data object comprises a global sub-hierarchy and a non-global sub-hierarchy, the global sub-hierarchy containing configuration data and binaries associated with all of the sever nodes, and the non-global sub-hierarchy

containing the layout information, configuration data and binaries associated with

particular server nodes. The feature is disclosed by Pace in a related endeavor.

Pace discloses as his invention an exemplary embodiment of a component

distribution server (CDS) system according to the present invention, connected to at

least one network through at least one respective network interface, includes: a

package specification process that receives at least one package, the packages being

subparts of at least one application program from at least one enterprise information

system (EIS), the packages having at least one asset, each asset having an asset type

and at least two asset layers, a first asset layer being a logic/data layer and

a second asset layer being an extended environment layer, the logic/data layer

having information that includes a function of the asset and the extended environment

layer being a subset of the EIS and having portions of the EIS necessary to support the

respective logic/data layer; a process adapter process that translates at least one of

the asset layers so that the asset performs the asset function on at least one target

base environment of at least one target computer; and a target process that changes

the at least one of the layers of the asset in order to provide specific information for at

least one of the specific target computers, whereby a transformed asset is an asset

that is translated by the process adapter process and changed by the target process

[col 9, L18-40].

In particular, Pace discloses the additional feature of the method wherein the

hierarchical data object comprises a global sub-hierarchy and a non-global sub-

hierarchy, the global sub-hierarchy containing configuration data and binaries

associated with all of the sever nodes (global distribution of components, modules, or functions) [col 6, L50-62], and and the non-global sub-hierarchy containing the layout information, configuration data and binaries associated with particular server nodes [col 6, L50-62].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Berg's invention with the additional feature of the method wherein the hierarchical data object comprises a global sub-hierarchy and a non-global sub-hierarchy, the global sub-hierarchy containing configuration data and binaries associated with all of the sever nodes, and the non-global sub-hierarchy containing the layout information, configuration data and binaries associated with particular server nodes, as disclosed by Pace, for the motivation of maintaining integrity of the source environment (e.g, EIS) at one or more of the targets (e.g., target nodes and/or clients) while the original packet remains on the source (EIS), as well as reducing the infrastructure to maintain packages by locating distributed packages at one or more of the clients [col 34, L47-57].

Claims 11 and 18 recite the same features as claim 4, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 6 and 13, Berg in view of Pace discloses the method as in claim 5 wherein the instance of enterprise servers comprises at least one dispatcher and two or more server nodes [Pace: Figs. 9 & 10].

While Berg discloses substantial features of the invention, including the server

layout information uniquely identifying each server in the group and/or parameters

associated with each server in the group ("loose configuration" / Enterprise Archive

{EAR} file) [col 1, L35] [Figure 6], he does not explicitly disclose the additional feature of

the method wherein the instance of enterprise servers comprises at least one

dispatcher and two or more server nodes [Pace: Figs. 9 & 10]. The feature is disclosed

by Pace in a related endeavor.

Pace discloses as his invention an exemplary embodiment of a component

distribution server (CDS) system according to the present invention, connected to at

least one network through at least one respective network interface, includes: a

package specification process that receives at least one package, the packages being

subparts of at least one application program from at least one enterprise information

system (EIS), the packages having at least one asset, each asset having an asset type

and at least two asset layers, a first asset layer being a logic/data layer and

a second asset layer being an extended environment layer, the logic/data layer

having information that includes a function of the asset and the extended environment

layer being a subset of the EIS and having portions of the EIS necessary to support the

respective logic/data layer; a process adapter process that translates at least one of

the asset layers so that the asset performs the asset function on at least one target

base environment of at least one target computer; and a target process that changes

the at least one of the layers of the asset in order to provide specific information for at

least one of the specific target computers, whereby a transformed asset is an asset

that is translated by the process adapter process and changed by the target process [col 9, L18-40].

In particular, Pace discloses the additional feature of the method wherein the instance of enterprise servers comprises at least one dispatcher and two or more server nodes [Pace: Figs. 9 & 10].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Berg's invention with the above additional feature, as disclosed by Pace, for the motivation of maintaining integrity of the source environment (e.g, EIS) at one or more of the targets (e.g., target nodes and/or clients) while the original packet remains on the source (EIS), as well as reducing the infrastructure to maintain packages by locating distributed packages at one or more of the clients [col 34, L47-57].

Claim 13 recites the same features as claim 6, is distinguished only by their statutory category, and thus rejected on the same basis.

3. Claims 5, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al, U.S. Patent US 7,185,071in view of Ashworth et al (hereinafter Ashworth), U.S. Patent 7,039,247.

As per Claims 5, 12 and 19, Berg in view of Ashworth discloses the method as in claim

1 wherein the group of enterprise servers comprises an instance of enterprise servers.

While Berg discloses substantial features of the invention, including the server

layout information uniquely identifying each server in the group and/or parameters

associated with each server in the group ("loose configuration" / Enterprise Archive

{EAR} file) [col 1, L35] [Figure 6], he does not explicitly disclose the additional feature of

the method wherein the group of enterprise servers comprises an instance of enterprise

servers. The feature is disclosed by Ashworth in a related endeavor.

Ashworth discloses as his invention methods for managing installation of a set of

data processing components. An installation manager program allows users to specify

which of a set of predefined functional roles are to be implemented on which of their

data processing systems and then the installation program automates installation of the

set of data processing components which correspond to the specified roles [Abstract].

In particular, Pace discloses the additional feature of the method wherein the

group of enterprise servers comprises an instance of enterprise servers [col 11, L6-30].

It would thus be obvious to one of ordinary skill in the art at the time of the

invention to combine and/or modify Berg's invention with the additional feature of the

method wherein the group of enterprise servers comprises an instance of enterprise

servers, as disclosed by Ashworth, for the motivation of avoiding undesirable

duplication of components and yet to ensure that all of the required processing

components are available on that system [col 4, L46-60].

Claim 12 and 19 recite the same features as claim 5, are distinguished only by their statutory category, and thus rejected on the same basis.
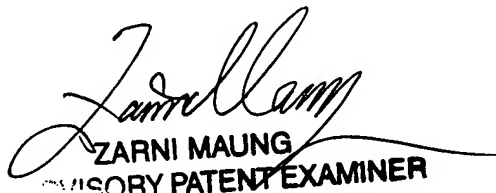
Conclusion

1. The Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba
Examiner
Art Unit 2151

ZARNI MAUNG
\-\/\SORY PATENT EXAMINER